



# CVCWA

## Central Valley Clean Water Association

*Representing Over Sixty Wastewater Agencies*

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June 24, 2010

Submitted Via U.S. Mail and Electronic Mail

Greg Cash  
Regional Water Quality Control Board,  
Central Valley Region  
415 Knollcrest Drive, Suite 100  
Redding, California 96002

Sent Via Email to : [gdcash@waterboards.ca.gov](mailto:gdcash@waterboards.ca.gov)

**Re: Central Valley Clean Water Association's Comments on the Tentative  
Order for the City of Corning, Corning Wastewater Treatment Plant**

Dear Mr. Cash:

The Central Valley Clean Water Association submits these comments on the tentative waste discharge requirements for the City of Corning (Corning), Corning Wastewater Treatment Plant (Tentative Order). CVCWA is a non-profit organization of publicly owned treatment works (POTWs) throughout the Central Valley Region. CVCWA represents its members in regulatory matters that affect surface water discharge and land application with a perspective to balance environmental and economic interests consistent with applicable law. It is in this spirit that CVCWA submits the following comments related to the salinity, best practicable treatment or control (BPTC), pollution prevention plan, and chronic toxicity provisions of the Tentative Order.

A. The Site-Specific Study Requirement and Reduction Goal for Salinity Are Inappropriate and Should be Removed

CVCWA requests the removal of the Tentative Order's salinity/electrical conductivity (EC) study site-specific study and salinity reduction goal provisions. (See Tentative Order at pp. 24-25, 28.) In particular, the Tentative Order requires Corning to complete a site-specific investigation of the EC levels appropriate to protect the Sacramento River's municipal and agricultural beneficial uses. (*Id.* at pp. 24-25.) In addition, the Tentative Order establishes a salinity reduction goal of 500  $\mu\text{mhos/cm}$  as a monthly average over the EC of the municipal water supply and requires Corning to submit annual reports demonstrating reasonable progress in the reduction of salinity discharged. (*Id.* at p. 28.) These provisions are inappropriate, as Corning's

discharge “does not have reasonable potential to cause or contribute to an in-stream excursion of water quality objectives for salinity.” (*Id.* at p. F-28.) The site-specific study requirement is also unwarranted given that the applicable basin plan establishes numeric EC objectives for the Sacramento River. (See Water Quality Control Plan for Sacramento and San Joaquin River Basins (Sept. 2009) at pp. III-7.00.) Further, the Tentative Order would continue to address salinity by requiring Corning to prepare a salinity evaluation and minimization plan addressing sources of salinity from the treatment plant. (Tentative Order at p. 28.)

B. The Requirement for a BPTC Evaluation Is Unwarranted and Should be Deleted

CVCWA requests that you remove the requirement that Corning prepare a BPTC Evaluation or a comprehensive technical evaluation of the treatment plant's existing BPTC. (See Tentative Order at p. 24.) The Fact Sheet for this requirement provides no justification or explanation for this study and instead merely repeats the same language contained within the Tentative Permit. Without any proper justification or explanation, CVCWA is uncertain as to the reason or purpose for this requirement as it relates to an existing discharger. To the extent that this study requirement is being requested pursuant to the Regional Board's authority in Water Code section 13267, the Regional Board must provide a written explanation with respect to the need for the report and identify evidence that supports the request. (See Wat. Code, § 13267(b)(1).) The information in the Fact Sheet fails to qualify as a written explanation for this required study/technical report.

More importantly, and as indicated in the Fact Sheet, the continuation of discharge for this permittee is consistent with state and federal antidegradation policies, and compliance with the permit will result in the use of BPTC of the discharge. (See Fact Sheet to Tentative Permit at p. F-34.) This finding, as expressed in the Fact Sheet, is consistent with the language and intent of the State Water Board's antidegradation policy (Resolution No. 68-16). Conversely, the proposed study requirement is not consistent with Resolution 68-16. Specifically, Resolution 68-16 provides that discharges of waste to high quality waters must be required to comply with waste discharge requirements that *result in* best practicable treatment or control. The Tentative Permit, however, would require the permittee to conduct a best practical treatment or control comprehensive technical evaluation of the facility regardless of compliance with waste discharge requirements. CVCWA fails to see how such an evaluation is necessary to comply with Resolution No. 68-16. Thus, it must be removed.

C. Pollution Prevention Plan Requirement for Dichlorobromomethane (DCBM) Is Unsupported and Should be Removed

CVCWA requests that you remove the Tentative Permit's requirement for Corning to prepare and implement a pollution prevention plan for DCBM. (See Tentative Permit at p. 27.) The requirement is inappropriate under Water Code section 13263.3(d)(1) and given that Corning can immediately comply with the proposed effluent limitations for DCBM. (*Id.* at p. F-23.) Water Code section 13263.3(d)(1) authorizes regional water quality control boards to require POTWs to develop and implement a pollution prevention plan where: (1) the discharger is a chronic violator and a pollution prevention plan could assist in achieving compliance; (2) the discharger significantly contributes (or has the potential to significantly contribute) to the creation of a toxic hot spot (Wat. Code, § 13391.5); (3) the pollution prevention plan is necessary to achieve a water quality objective; or (4) the discharger is subject to a cease and desist order (Wat. Code, § 13301) or time schedule order (Wat. Code, §§ 13300, 13308). The Permit does not make any

findings to indicate that any of these four criteria apply in Corning's case. Therefore, the requirement to prepare and implement a pollution prevention plan for DCBM should be deleted.

D. The Numeric Monitoring Trigger for Chronic Whole Effluent Toxicity Should be Revised

CVCWA requests that you revise the Tentative Order's numeric monitoring trigger for chronic whole effluent toxicity to be consistent with the dilution credits being granted. The Tentative Order specifies a toxicity monitoring trigger of "> 1 TU<sub>C</sub> (where TU<sub>C</sub> = 100/NOEC)." (Tentative Order at p. 22.) However, the Tentative Order grants a dilution credit of 10:1 for aquatic life. (*Id.* at pp. F-20, F-22.) The monitoring trigger represents the toxicity threshold at which the treatment plant must begin accelerated monitoring and initiate a Toxicity Reduction Evaluation. (*Id.* at p. 21.) Therefore, it is important that the monitoring trigger be consistent with the dilution credit granted and revised in the Tentative Permit to be "> 10 TU<sub>C</sub> (where TU<sub>C</sub> = 100/NOEC)."

CVCWA appreciates your consideration of these comments and respectfully requests that you revise the Tentative Order as described above. Please contact me at (530) 268-1338 if you have any questions or would like to discuss these issues further.

Sincerely,



Debbie Webster  
Executive Officer

c: John Brewer – City of Corning (by email)  
Pamela Creedon – CVRWQCB (by email)